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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,962	08/25/2003	Wei Zhao	9400-44	3021
39072	7590	02/03/2006	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC, P.A.			STEIN, JULIE E	
P.O. BOX 37428			ART UNIT	
RALEIGH, NC 27627			PAPER NUMBER	

2688

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/646,962

Applicant(s)

ZHAO ET AL.

Examiner

Julie E. Stein, Esq.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 10 is objected to because of the following informalities: in line 2, "a" should be deleted.

2. Claim 9 is objected to because of the following informalities:  
"noncommunications" should be "non-communications".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-7 and 9-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2004/0203873 to H. Gray in view of U.S. Patent Application Publication No. 2005/0136949 to Barnes, Jr.

As regards independent claims 1, 17, and 20, Gray teaches all the steps/elements/computer readable medium, including directing a mobile user to a wireless network access point (see abstract) comprising: receiving a mobile user request for a location of a wireless network access point via a user terminal (paragraph 35); identifying a geographic location of the mobile user responsive to receiving the user request (paragraph 36); and identifying a wireless network access point convenient to the user (paragraph 37).

However, Gray does not explicitly teach wherein the user request comprises non-communication amenities and that the access point convenient to the user provides access to the non-communication amenities. But, Barnes teaches a system in which a mobile user identifies various points of interest (non-communication amenities) using access points via a mobile device. See, e.g., paragraph 41, 94-96, and Figure 4. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify Gray to include the functionality of identifying access points that also provided access to non-communication amenities because as taught by Barnes, both users (who are also customers) and vendors benefit from the ability to enhance their interaction through location based services, including e-commerce and automated processing. See Barnes, paragraphs 6 to 8.

Gray in view of Barnes also teaches all the steps of claim 2, including communicating the identified wireless network access point to the user. See Gray, paragraphs 38 to 39.

Gray in view of Barnes also teaches all the steps of claim 3, including wherein identifying a wireless network access point comprises comparing the geographic location of the user to known locations of a plurality of access points. See Gray, paragraphs 36 to 37.

Gray in view of Barnes also teaches all the steps of claims 4, 18, and 21, including wherein identifying a geographic location of the mobile user comprises locating a wireless communications signal from the user terminal. See Gray, paragraphs 35 to 38.

Gray in view of Barnes also teaches all the steps of claims 5, 19, and 22, including wherein identifying a wireless network access point comprises: calculating a travel time between the user location and each of the plurality of wireless network access points; and selecting one of the plurality of wireless network access points having the shortest travel time. See Gray, paragraph 38.

Gray in view of Barnes also teaches all the steps of claims 6 and 7, including calculating a travel time based on distance and road conditions and that the road conditions comprise real-time traffic conditions. See Barnes, paragraph 157.

Gray in view of Barnes also teaches all the steps of claim 9, including wherein the non-communication amenities include a type of facility and/or service available in the vicinity of the wireless network access point. See Barnes, paragraph 217.

Gray in view of Barnes also teaches all the steps of claim 10, including wherein the user request includes a particular service provider associated with the wireless network; wherein identifying a wireless network access point further comprises identifying a wireless network access point provided by the particular service provider. See Barnes, paragraphs 64 to 69.

Gray in view of Barnes also teaches all the steps of claim 11, including further comprising communicating direction from the user location to the selected wireless network access point. See Gray, paragraph 38.

Gray in view of Barnes also teaches all the steps of claim 12, including communicating the information concerning non-communication amenities to the user terminal. See Barnes, Figure 4.

Gray in view of Barnes also teaches all the steps of claims 13 and 14, including the wireless network is a broadband wireless network and that it includes Wi-Fi. See Barnes, paragraphs 41 and 49.

Gray in view of Barnes also teaches all the steps of claims 15 and 16, including wherein the user terminal is a mobile communications device or a computer processor terminal. See Gray, Figures 1-4.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-7 and 9-22 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie E. Stein, Esq. whose telephone number is (571) 272-7897. The examiner can normally be reached on M-F (8:30 am-5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JES

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER